

U.S. Department of
Homeland Security

United States
Coast Guard



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Law Judge
United States Coast Guard

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October 25, 2019

Andrew Free
MuckRock News
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411A Highland Ave.
Somerville, MA 02144-2516

RE: DHS FOIA APPEAL 2019-HQAP-00385

Dear Mr. Free:

This letter concerns your appeal of the Department of Homeland Security's (DHS) Final Response to your Freedom of Information Act (FOIA) request 2019-HQFO-01020 (designated as 2019-HQAP-00385 on appeal). You are appealing DHS' determination that your request is too broad in scope. After review of the entire record, I am **REMANDING** this case for the reasons provided in this letter.

On or about July 10, 2019, you submitted the request. The request asked for a copy of "any contract presently in effect between the Department of Homeland Security (and potentially U.S. Immigration and Customs Enforcement, Office of Acquisition Management and/or DHS Office of Inspector General for the operation of the "LSU Call Center" in Baton Rouge – a facility apparently coordinating intake and case transfer from detained immigrants in adult ICE detention to the DHS Office of Inspector General."

On July 18, 2019, DHS responded to your request. DHS stated it determined "your request is too broad in scope or did not specifically identify the records which you are seeking." DHS stated "[i]n addition to the information provided, your request description should include the specific DHS contract numbers of interest." DHS asked you to resubmit your request "containing a reasonable description of the records you are seeking, directly to the DHS component that maintains the record(s) you are seeking."

Pursuant to a memorandum of agreement, the United States Coast Guard Office of the Chief Administrative Law Judge is reviewing FOIA appeals for the Department of Homeland Security General Counsel's Office. Therefore, the Office of the Chief Administrative Law Judge hereby renders the official appeal decision on behalf of DHS.

Under the Freedom of Information Act, a FOIA request must reasonably describe the records sought. 5 U.S.C. § 552(a)(3)(A). If a request "does not adequately describe the records sought, DHS may at its discretion either administratively close the request or seek additional information from the requester." 6 C.F.R. § 5.3. A request is sufficient if it enables a professional agency employee familiar with the subject area to locate the record with a "reasonable amount of effort." *Truitt v. Dep't of State*, 897 F.2d 540 (D.C. Cir. 1980). However, FOIA does not require that documents be identified with exacting particularities or be models of clarity. *Conservation Force v. Ashe*, 979 F. Supp. 2d 90

(D.D.C. 2013). Rather, requested records must only be “reasonably describe[d].” 5 U.S.C. § 552(a)(3)(A).

After a thorough review of your appeal, I find your request is proper. Multiple courts approved FOIA requests like yours seeking all documents pertaining to specific topics. *E.g.*:

Morley v. C.I.A., 508 F.3d 1108, 1113 (D.C. Cir. 2007) (enforcing FOIA request for “all records pertaining to CIA operations officer George Efythron Joannides”);

LaCedra v. Executive Office for U.S. Attorneys, 317 F.3d 345, 348 (D.C. Cir. 2003) (reversing summary judgment where agency failed to search for documents responsive to request for “all documents pertaining to my case”);

Ruotolo v. Dep't of Justice, Tax Div., 53 F.3d 4 (2d Cir. 1995) (reversing summary judgment where agency failed to establish undue burden in response to FOIA requests for “all FOIA requests,” “all Vaughan indexes,” “all the pertinent parts of any Court Orders,” and “all pertinent parts of any taxpayers' motions and briefs” regarding described topics);

Yeager v. Drug Enforcement Admin., 678 F.2d 315, 326 (D.C. Cir. 1982) (enforcing FOIA request for “all the records” within a particular computer system);

Wildlands CPR v. U.S. Forest Serv., 558 F. Supp. 2d 1096, 1101-02 (D. Mont. 2008) (approving FOIA requests seeking “all records that relate to various topics”);

McNamara v. U.S. Dep't of Justice, 949 F. Supp. 478, 484-85 (W.D. Tex. 1996) (holding federal agencies should not have unilaterally narrowed FOIA request that sought “information pertaining” to a particular conspiracy).

Similar to these cases, your request is limited to a specific category of information. Therefore, I **REMAND** this matter to DHS. DHS, or the responsive Agency, has 30 days from the date of this letter to process your request.

Please note, nothing in this letter prevents DHS, or a responsive Agency after conducting a search, from asserting any privileges applicable under FOIA. Neither does this letter prevent DHS from informing you it does not have responsive documents, if no documents are discovered after reasonable search. Once the Agency conducts the search, it will provide you with an updated letter within 30 days of this decision.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Sincerely,

STUART A. KEEFE
Attorney Advisor
United States Coast Guard

Copy : FOIA Officer, DHS
Sent: Via first class mail to the above address.